

Acupuncture Regulations

13:35-9.1 Purpose and scope

(a) The rules of this subchapter are established pursuant to N.J.S.A. 45:2C-1 et seq. ("The Acupuncture Act") and set forth requirements for the practice of acupuncture in the State of New Jersey.

(b) These rules shall apply to all persons certified as acupuncturists by the State of New Jersey, applicants for such certification, guest acupuncturists granted temporary permission by the Board to perform acupuncture pursuant to N.J.A.C. 13:35-9.12, students participating in an approved course of study, school or tutorial program in acupuncture and persons licensed as physicians and surgeons or dentists who practice acupuncture, provided that their courses of training have included acupuncture.

13:35-9.2 Definitions

For purposes of this subchapter, the following terms shall have the following meanings:

"Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of special needles to prevent or modify the perception of pain or to normalize physiological functions including pain control and for the treatment of certain diseases or dysfunctions of the body. "Acupuncture" includes the techniques electroacupuncture, mechanical stimulation and moxibustion.

"Acupuncture tutorial" means an acupuncture tutorial program which has been approved by the Acupuncture Examining Board and which provides applicants who successfully complete the program with the requirements to sit for the examination for certification as an acupuncturist.

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"Apprentice" means a person who is registered with the Board in order to participate in an acupuncture tutorial under a supervising acupuncturist.

"Board" means the Acupuncture Examining Board established by N.J.S.A. 45:2C-1 et seq.

"Certified," "certification," and "certificate" mean Board-issued authorization that an individual possesses the qualifications to engage in the profession of acupuncture. Such terms are synonymous with licensure.

"Electroacupuncture" means the therapeutic use of weak electric currents at acupuncture loci to diagnose or to treat diseases or conditions.

"Experience" means proof that an applicant has accrued full-time independent acupuncture practice experience consisting of at least 750 patient treatment sessions annually for any three-year period prior to January 18, 1986.

"Guest acupuncturist" means an acupuncturist from another state or country who is not a certified acupuncturist in this State and is the invited guest of a professional acupuncture association, scientific acupuncture foundation, or an acupuncture training program approved by the Board.

"Mechanical stimulation" means stimulation of a certain acupuncture point or points on or near the surface of the body by means of apparatus or instrument.

"Moxibustion" means the therapeutic use of thermal stimulus at acupuncture loci by burning artemisia alone or artemisia formulations.

"Sterilize" or "sterilization" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Supervising acupuncturist" or "supervisor" means a certified acupuncturist who is approved by the Board to provide an acupuncture tutorial to a trainee.

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"Surface stimulation" means the application of purposeful stimuli to the surface of the body.

"Training agreement" means the written tutorial agreement between the supervisor and the trainee.

"Training plan" means the written tutorial plan that is filed with and approved by the Board.

"Training program" means and encompasses the agreement and the plan.

13:35-9.3 Credentials required for certification

(a) At the time of application, an applicant shall provide the following credentials:

1. Proof of having attained the age of 21, in the form of a certified copy of birth record;

2. Affidavits from two persons, unrelated to the applicant, attesting to the applicant's moral character. The signatures on any affidavits emanating from foreign jurisdictions shall be authenticated as required by (a)5i(2) below;

3. Proof of possession of a baccalaureate degree as established by (a)3i and ii below;

- i. If the candidate has been awarded a baccalaureate degree from a college or university within the United States, a certified transcript shall be forwarded directly to the Board from the educational institution, which shall have been accredited by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education;

- ii. If the candidate has been awarded a baccalaureate degree from a school located outside the United States, which is recognized by the World Health

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Organization or any similar credentialing organization, the applicant shall submit to the Board an original of the applicant's transcript showing that a degree was awarded, and an evaluation of credits earned as determined by a Board-approved credential evaluation service. A list of such credential evaluation services shall be provided by the Board to an applicant upon request;

4. Applicants presenting a baccalaureate degree shall also provide evidence of graduation from a course of study or program at a school of acupuncture accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or by the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education. Evidence shall consist of a certified transcript from that school confirming that a diploma was awarded to the applicant. A list of approved acupuncture schools shall be maintained by the Board and provided to an applicant upon request.

5. As an alternative to (a)3 and 4 above, an applicant shall provide evidence of either successful completion of a tutorial program in acupuncture which meets the requirements set forth in N.J.A.C. 13:35-9.13 or experience as defined in N.J.A.C. 13:35-9.2 acquired prior to January 18, 1986.

i. Acceptable proof of experience shall include letters from past or present employers written to the Board on professional letterhead, which must be sent directly to the Board from the employer or the appropriate official at that office or institution. Such letters must clearly establish that the business existed and was offering acupuncture service during the period of time in question.

(1) When a letter from an employer, office or institution does not clearly and credibly indicate the required experience,

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the Board may at its discretion require that the applicant submit patient records of 750 treatment sessions or such other proof as the Board deems necessary.

(2) The signature(s) on letters of documentation emanating from foreign jurisdictions must be properly notarized and authenticated by an appropriate governmental official.

ii. If the applicant was self-employed, original patient records which clearly indicate the required 750 patient treatment sessions shall be submitted to the Board; such records shall be legible and well-organized. The Board may require records to be translated into English at the expense of the applicant; and

6. If the applicant is a physician or surgeon, the applicant shall submit, in addition to the documentation required by (a)1 and 2 above, proof that the applicant holds a current plenary license and registration to practice medicine or surgery.

(b) Any credentials required to be submitted pursuant to (a) above which are written in a language other than English shall be accompanied by an English translation prepared by a Board-approved translation service at the applicant's expense. A list of such translation services shall be provided by the Board to an applicant upon request. Translations by any other services or persons shall not be accepted.

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13:35-9.4 Examination requirements

- (a) An applicant shall pass the comprehensive written examination (CWE) and the clean needle technique (CNT) examination, written in English, developed by the National Certification Commission for Acupuncture and Oriental Medicine ("NCCAOM").
- (b) An applicant shall pass a practical examination administered by the Board.
- (c) All applicants who have received their acupuncture education at a school taught in a language other than English shall pass a test of spoken English (TSE) examination administered by the Education Testing Service (ETS). The applicant shall attain a score of 50.

13:35-9.5 Prohibited titles

- (a) A person who has not met the requirements of the Acupuncture Act, N.J.S.A. 45:2C et seq., or this subchapter shall not practice as, or hold himself or herself out as, an acupuncturist.
- (b) Acupuncturists shall not use the designations "DOM" (doctor of Oriental medicine), "OMD" (Oriental medical doctor), or "DTCM" (Doctor of traditional Chinese medicine).
- (c) Physicians, surgeons, or dentists approved for the practice of acupuncture pursuant to the Act and this subchapter shall not use the title "acupuncturist," "certified acupuncturist," or "CA."

13:35-9.6 Fee schedule

- (a) The Board shall charge the following fees:

1. Application Fee	\$ 50.00
2. Examination, Oral/Practical	225.00
3. Examination, Written	\$350.00
4. Initial Registration Fee:	

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i. If paid during the first year of a biennial renewal period: \$270.00

ii. If paid during the second year of a biennial renewal period: \$135.00

5. Biennial Registration \$270.00

6. Duplicate or replacement of biennial registration certificate \$ 25.00

7. Late Fee (biennial certification) \$ 50.00

8. Inactive Certificate Fee (to be determined by Director by regulation)

9. Reinstatement Fee \$150.00

10. Tutorials:

i. Supervisor:

(1) Application Fee \$ 50.00

(2) Initial Registration \$125.00

(3) Renewal, Annually \$125.00

(4) Delinquency Fee \$ 50.00

ii. Trainee:

(1) Application Fee \$ 25.00

(2) Initial Registration \$ 60.00

11. Preparation of certification papers for applicants to other states: \$ 25.00

(b) The examination fee will be refunded only if the application is rejected by the Board or withdrawn by the candidate within 14 days of receipt of the application by the Board.

(c) After the 14-day period in (b) above, an applicant who fails to sit for an examination for which payment has been submitted may, one time only, have the fee credited toward the next scheduled examination. The fee will be entirely forfeited if the applicant fails to sit for the succeeding examination.

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(d) The application fee is non-refundable.

13:35-9.7 Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status; display of certificate

(a) All certificates to practice acupuncture issued by the Board shall be issued for a two-year biennial certification period. A certificant who seeks renewal of the certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-9.6 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-9.6. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended certificate shall be deemed to be engaged in unauthorized practice.

(e) A certificate holder whose certificate has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

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1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-9.6;
2. Completion of the continuing education units required for each biennial registration period for which the certificate holder was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended certificate which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a certificate holder whose certificate has been automatically suspended for more than five years who wishes to return to have his or her certificate reinstated shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her certificate.

(g) Renewal applications shall provide the certificate holder with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:35-9.6 and shall not engage in the practice of acupuncture.

(h) A certificate holder who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the continuing education units required for each biennial registration period for which the certificate holder was on inactive status; and

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3. Submission of an affidavit of employment listing each job held during the period the certificate holder was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a certificate holder who has been on inactive status for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her certificate.

(j) The certificate shall be posted in a conspicuous location in the office of the acupuncturist. If the acupuncturist has more than one office, he or she shall obtain from the Board duplicate certificates for each location.

13:35-9.8 Referral; informed consent

(a) A certified acupuncturist may perform initial acupuncture treatment only on presentation by the patient of a referral by or diagnosis from a licensed physician. The referring or diagnosing physician shall provide to the treating acupuncturist a diagnosis and preevaluation of the patient.

(b) The acupuncturist shall fully explain to the patient the acupuncture procedures to be performed and inform the patient of the possible complications that may result from acupuncture treatment. The acupuncturist shall obtain informed written consent from the patient before beginning acupuncture treatment.

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13:35-9.9 Accepted equipment and devices; procedures

- (a) Certificate holders may use any of the following to effect the stimulation of acupuncture points and channels: needles, moxa, cupping, thermal methods, herbal applications, magnetic stimulation, gwa-sha scraping techniques, acupatches, acuform, teishin (pressure needles), manual acutotement (defined as stimulation by an instrument that does not pierce the skin), acupressure, electroacupuncture (whether utilizing electrodes on the surface of the skin or current applied to inserted needles), laser bio-stimulation in accordance with relevant Federal law including United States Food and Drug Administration rules and regulations, and ultrasonic stimulation of acupuncture points and channels.
- (b) The needles used in acupuncture shall include: solid filiform needles, dermal needles, plum blossom needles, press needles, prismatic needles and disposable lancets.
- (c) The use of intra-dermal needles, staples or hypodermic needles in the practice of acupuncture is prohibited.

13:35-9.10 Precautionary and sterilization procedures

- (a) All non-disposable needles and acupuncture equipment that comes into contact with the patient's blood or bodily fluids or penetrates the skin, and equipment used to handle or store needles or other acupuncture equipment that comes into contact with the patient's blood or bodily fluids or penetrates the skin, shall be sterilized prior to each use. Prior to sterilization, all equipment to be sterilized shall be thoroughly cleaned with a disinfectant or cleansing solution.
- (b) Sterilization shall be accomplished before use by one of the following methods:
1. Steam autoclave at 250 degrees Fahrenheit (120 degrees Celsius) and 15 pounds per

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square inch of pressure for 30 minutes;

2. Equivalent dry heat; or

3. Ethylene oxide gas sterilization.

(c) Sterilization equipment shall be used and maintained strictly in accordance with the guidelines of the manufacturer of the equipment, and shall be monitored regularly in accordance with the manufacturer's guidelines to determine whether the equipment is functioning properly.

(d) The following methods of sterilization are prohibited: boiling acupuncture equipment, soaking acupuncture equipment in alcohol or other antiseptic solution, or glass bead sterilization.

(e) Acupuncture needles shall be placed in a rigid, puncture-proof, sealed container. The container shall be labeled as a disposal container and shall contain the following warning:

"CONTAMINATED CONTENTS--USE PRECAUTIONS." The disposal container shall be

wiped with a disinfectant if blood or other bodily fluids are spilled on the outside of the

container. The acupuncturist shall dispose of the container pursuant to the requirements of the

Department of Environmental Protection implementing the Comprehensive Regulated Medical

Waste Management Act, N.J.S.A. 13:1E-48.1 et seq., and N.J.A.C. 7:26-3A. The acupuncturist

may delegate the responsibility to dispose the container to an agent approved by the Department

of Environmental Protection. A list of such approved agents shall be supplied, upon request, by

the Board.

(f) If a certificate holder learns that a patient has a blood-borne infectious disease, the certificate holder shall use only disposable needles in treating the patient.

(g) The acupuncturist shall ensure that personnel responsible for performing sterilization procedures pursuant to this rule are adequately trained and supplied with a written outline of sterilization procedures. A copy of the outline shall be maintained on the premises.

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13:35-9.11 Preparation of patient records; computerized records; access to or release of information; confidentiality, transfer or disposal of records

(a) The following words and terms, as used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. "Authorized representative" means a person who has been designated by the patient or

a court to exercise rights under this section. An authorized representative may be the patient's attorney or an employee of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

2. "Patient" means any person who is the recipient of a professional service rendered by a certificate holder for purposes of treatment.

(b) Acupuncturists shall prepare contemporaneous, permanent professional treatment records. Acupuncturists shall also maintain records relating to billings made to patients and third-party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment or services rendered. Treatment records shall be maintained for a period of seven years from the date of the most recent entry.

1. To the extent applicable, professional treatment records shall reflect:

- i. The dates of all treatments;
- ii. The patient complaint;
- iii. The history;

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iv. Progress notes; and

v. Any orders for tests or consultations and the results thereof.

2. Corrections and/or additions may be made to an existing record, provided that each

change is clearly identified as such, dated and initialed by the certificate holder;

3. A patient record which is prepared and maintained on a personal or other computer

shall be prepared and maintained as follows:

i. The patient record shall contain at least two forms of identification, for example, name and record number or any other specific identifying information;

ii. The entry made by the acupuncturist shall be made contemporaneously with the treatment and shall contain the date of service, date of entry, and full printed name of the treatment provider. The acupuncturist shall finalize or "sign" the entry by means of a confidential personal code ("CPC") and include date of the "signing";

iii. The acupuncturist may dictate a dated entry for later transcription. The transcription shall be dated and identified as "preliminary" until reviewed, finalized and dated by the acupuncturist as provided in (b)3ii above;

iv. The computer system shall contain an internal permanently activated date and time recordation for all entries, and shall automatically prepare a back- up copy of

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the file;

v. The computer system shall be designed in such manner that after "signing" by means of the CPC, the existing entry cannot be changed in any manner. Notwithstanding the permanent status of a prior entry, a new entry may be made at any time and may indicate correction to a prior entry;

vi. Where more than one acupuncturist is authorized to make entries into the computer file of any professional treatment record, the acupuncturist responsible for the acupuncture practice shall assure that each such person obtains a CPC and uses the file program in the same manner;

vii. A copy of each day's entry, identified as preliminary or final as applicable, shall be made available to a physician responsible for the patient's care, to a representative of the Board of Acupuncture Examiners, the Attorney General or the Division of Consumer Affairs no later than 10 days after notice, or to a patient within 30 days of the request, or promptly in the event of emergency.

viii. An acupuncturist wishing to continue a system of computerized patient records, which system does not meet the requirements of (b)3i through vii above, shall promptly initiate arrangements for modification of the system which shall be completed by October 18, 2000. In the interim, the acupuncturist shall assure that, on the date of the first treatment of each patient treated subsequent to October 18, 1999, the computer entry for that first visit shall be accompanied by a hard copy printout of the entire computer-recorded treatment record. The printout shall be dated and initialed by the attending acupuncturist. Thereafter, a hard copy shall be prepared for each subsequent visit,

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continuing to the date of the changeover of computer program, with each page initialed by the treating acupuncturist. The initial printout and the subsequent hard copies shall be retained as a permanent part of the patient record.

(c) Acupuncturists shall provide access to professional treatment records to a patient or an authorized representative in accordance with the following:

1. No later than 30 days from receipt of a request from a patient or an authorized representative, the acupuncturist shall provide a copy of the professional treatment record, and/or billing records as may be requested. The record shall include all pertinent objective data including test results, as applicable, and subjective information.

2. Unless otherwise required by law, an acupuncturist may elect to provide a summary of the record in lieu of providing a photocopy of the actual record, so long as that summary adequately reflects the patient's history and treatment. An acupuncturist may charge a reasonable fee for the preparation of a summary which has been provided in lieu of the actual record, which shall not exceed the cost allowed by (c)3 below for that specific record.

3. Acupuncturist may require that a record request be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the certificate holder elects to provide a summary in lieu of the actual record, the charge for the summary shall not exceed the cost that would be charged for the actual record.

4. If the patient or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the acupuncturist shall provide a transcription at no cost to the patient.

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5. The acupuncturist shall not refuse to provide a professional treatment record on the grounds that the patient owes the certificate holder an unpaid balance if the record is needed by another health care professional for the purpose of rendering care.

(d) Acupuncturists shall maintain the confidentiality of professional treatment records, except that:

1. The acupuncturist shall release patient records as directed by a subpoena issued by the Board of Acupuncture Examiners or the Office of the Attorney General, or by a demand for statement in writing under oath, pursuant to N.J.S.A. 45:1-18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full patient names. To the extent that the record is illegible, the acupuncturist, upon request, shall provide a typed transcription of the record. If the record is in a language other than English, the acupuncturist shall also provide a translation.

2. The acupuncturist shall release information as required by law or regulation.

3. The acupuncturist, in the exercise of professional judgment and in the best interests of the patient (even absent the patient's request), may release pertinent information about the patient's treatment to another licensed health care professional who is providing or has been asked to provide treatment to the patient, or whose expertise may assist the acupuncturist in his or her rendition of professional services.

(e) Where the patient has requested the release of a professional treatment record or a portion thereof to a specified individual or entity, in order to protect the confidentiality of the records, the acupuncturist shall:

1. Secure and maintain a current written authorization, bearing the signature of the patient or an authorized representative;

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2. Assure that the scope of the release is consistent with the request; and

3. Forward the records to the attention of the specific individual identified or mark the material "Confidential."

(f) If an acupuncturist ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the acupuncturist or designee shall:

1. Establish a procedure by which patients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another certificate holder who is assuming responsibilities of the practice. However, an acupuncturist shall not charge a patient, pursuant to (c)3 above, for a copy of the records, when the records will be used for purposes of continuing treatment or care.

2. Publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the acupuncturist's practice, at least once each month for the first three months after the cessation; and

3. Make reasonable efforts to directly notify any patient treated during the six months preceding the cessation, providing information concerning the established procedure for retrieval of records.

13:35-9.12 Guest acupuncturist

(a) An acupuncturist from another state or country, who is not a certified acupuncturist or a physician approved for the practice of acupuncture in the State of New Jersey, and is the invited guest of a professional acupuncture association, scientific acupuncture foundation, an acupuncture training program or acupuncture school approved by the Board, may perform

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acupuncture in conjunction with such professional education for up to 30 days in a calendar year upon approval by the Board, as set forth in (b) below. The guest acupuncturist shall not open an office or appoint a place to meet patients or receive calls from patients or otherwise engage in the practice of acupuncture.

(b) The sponsoring organization shall request permission from the Board, in writing, for the guest acupuncturist no later than 60 days prior to the guest acupuncturist's initial presentation in New Jersey. A resume or summary of the guest acupuncturist's credentials, written in English, shall accompany the request for approval.

13:35-9.13 Tutorial applications and design of tutorial program

(a) No person shall commence participation in a tutorial program in acupuncture in this State without prior approval of the Board.

(b) Tutorial applications shall be filed with the Board as follows:

1. Application as an acupuncture apprentice shall be filed on a form provided by the Board and accompanied by the tutorial apprentice application fee. The information to be provided on the application form shall include personal biographical and educational information and current resident status.

2. Applications for approval to supervise an acupuncture apprentice shall be filed on a form provided by the Board and accompanied by a copy of the written apprentice agreement, the tutorial supervision application fee, and any other pertinent documents required by the Board. The information to be provided on the application shall include personal biographic, educational and experiential requirements.

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(c) Evidence of prior training and experience shall be submitted to the Board for its review with the applications for registration of the supervising acupuncturist and apprentice.

(d) The apprentice shall be at least 18 years of age and shall have a minimum of 120 credits at an institution of higher learning, which must be accredited by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation or the United States Department of Education.

(e) Requirements for approval of an acupuncture tutorial program are as follows:

1. An acupuncture tutorial program shall be designed to be completed in no less than two

nor more than four calendar years;

2. An acupuncture tutorial program shall be designed to provide an apprentice with a structured learning experience in all the basic skills and knowledge necessary for the independent practice of acupuncture, and shall prepare the apprentice for the Board's examination for certification;

3. Acupuncture tutorial programs may be full-time or part-time relationships; the training plan and proposed supervision shall be contained in a written agreement between the supervisor and apprentice, pursuant to (g) below;

4. An acupuncture tutorial shall provide formal clinical training with supplemental theoretical and didactic instruction which may be obtained in a post-secondary educational institution which is accredited by a regional accreditation agency recognized by the Commission on Recognition of Post- Secondary Accreditation, or the United States Department of Education;

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5. The clinical training shall consist of a minimum of 1650 hours in the following areas:

- i. Practice observation;
- ii. Patient history and physical examination, including traditional Oriental medical diagnostic procedures;
- iii. Therapeutic treatment planning;
- iv. Preparation of the patient;
- v. Sterilization, use and maintenance of equipment;
- vi. Moxibustion;
- vii. Electroacupuncture;
- viii. Body and auricular acupuncture;
- ix. Treatment of emergencies, including certification in cardiopulmonary resuscitation ("CPR");
- x. Pre and post-treatment and instructions to the patient;
- xi. Contraindications and precautions; and
- xii. Optional: Shiatsu, Acupressure, TaiChi-Chuan and Qi Gong; and

6. The theoretical and didactic training shall consist of a minimum of 600 hours in the following areas:

- i. Traditional Oriental medicine;
- ii. Acupuncture anatomy and physiology;
- iii. Acupuncture techniques;
- iv. Survey of clinical medicine;
- v. History of Chinese medicine; and

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vi. Study of medical terminology and general sciences in anatomy, physiology and pathology, which training shall be obtained in a post-secondary educational setting approved by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation, or the United States Department of Education, provided that each of the courses is for at least three academic credits.

(f) No apprentice shall be authorized to render acupuncture services to any patient unless the patient has been informed that such services will be rendered by an apprentice. The patient, on each occasion of treatment, shall be informed of the procedure to be performed by the apprentice under the supervision of the supervising acupuncturist, and shall have consented in writing prior to the initial rendering of the acupuncture procedure by the apprentice. The requirements of this subsection do not apply to those instances wherein the apprentice merely assists the supervisor in the rendering of acupuncture services.

(g) The acupuncture tutorial training program shall be set forth in a written agreement signed by the supervisor and the apprentice which shall be submitted for approval to the Board, with the application. The agreement shall include:

1. The training plan;
2. The length of training time;
3. The method of providing the theoretical and didactic training;
4. Guidelines for supervision of the acupuncture services rendered by the apprentice;
5. Tuition fees to be paid by the apprentice for participation in the program;
6. The location of the training; and

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7. Any termination agreements included in the agreement between the supervisor and apprentice.

(h) An acupuncture tutorial program shall be available to all apprentices regardless of the apprentice's sex, race, religion, creed, or color and regardless of physical handicap.

13:35-9.14 Responsibilities of supervising acupuncturist

(a) No acupuncturist shall supervise any person in an approved tutorial program in acupuncture in this State without prior approval of the Board. Board approval shall be contingent upon submission of proof satisfactory to the Board that the supervising acupuncturist is certified to practice in New Jersey and has at least seven years of experience practicing acupuncture.

(b) The supervising acupuncturist shall have the following duties and responsibilities:

1. The supervisor shall train no more than two apprentices at one time;
2. The supervisor shall at all times be responsible for and provide supervision of the work performed by the apprentice as required in this subchapter;
3. The supervisor shall assign only those patient treatments which are unlikely to endanger the health and welfare of patients receiving such services and can be safely and effectively performed by the apprentice. The acupuncture services assigned to the apprentice shall be consistent with the level of training received by the apprentice. The supervisor shall provide continuous direction and immediate supervision of the apprentice when patient services are being provided. For purposes of this paragraph, "continuous direction and immediate supervision" means that the supervisor shall be in the same facility where the apprentice is rendering services, and shall be readily available at all times to provide advice, instruction and assistance to the apprentice and the patient;

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4. The supervisor shall assure that prior to performance of any procedure, a verbal explanation is given and the patient's written informed consent to the procedure and its performance by the apprentice is obtained;

5. The supervisor shall assure that the objectives of the training plan submitted to the Board are provided and met by the apprentice;

6. The supervisor shall notify the Board in writing within 10 days of the termination of any training agreement. At the time of such notification, the registration of the apprentice shall be cancelled;

7. If the apprentice plan of the acupuncture tutorial is substantially modified, the supervisor shall file with the Board a report of such modifications within 10 days;

8. The supervisor shall assure that the apprentice complies with accepted standards of practice, this subchapter, and the statutory requirements of N.J.S.A. 45:2C-5;

9. The supervisor shall file a progress report with the Board within 30 days of completion by each apprentice of each year of an approved acupuncture tutorial. The supervisor shall file a final report within 30 days of completion of the training; and

10. The supervisor shall assure that when rendering services or otherwise engaging in professional activity, the apprentice shall always identify himself or herself as an acupuncture apprentice.

13:35-9.15 Responsibilities of the acupuncture apprentice

(a) The acupuncture apprentice shall have the following duties and responsibilities:

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1. The apprentice shall not provide acupuncture services independently or without the required supervision, and shall not provide any services for which he or she is not trained or undergoing training;
2. The apprentice shall satisfactorily meet the objectives of the training plan submitted to the Board including the necessary theoretical training;
3. The apprentice shall comply with the standards of practice in these rules as well as all applicable statutory requirements;
4. The apprentice shall always identify himself or herself as an acupuncture apprentice when rendering services or otherwise engaging in professional activity;
5. The apprentice shall report to the Board any delay, interruption or termination of the acupuncture tutorial within 10 days; and
6. At the completion of the tutorial, the apprentice may file an application for examination.

13:35-9.16 Training required of a physician or dentist

(a) No physician holding a plenary license from the New Jersey Board of Medical Examiners or dentist licensed by the New Jersey Board of Dentistry shall be prevented from practicing acupuncture provided his or her course of training has included:

1. Graduation from a school approved by the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM); or
2. Courses of training approved by the Board, as set forth in (b) below.

(b) The course of training shall be for a minimum of 300 hours, which shall include a clinical training program of at least 150 hours. Such United States or foreign training shall include:

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1. Traditional Oriental medicine which includes a survey of the theory and practice of traditional diagnostic and therapeutic procedures;
2. Acupuncture anatomy and physiology which includes fundamentals of acupuncture including point location, the meridian system, special and extra loci, and auriculotherapy; and
3. Acupuncture techniques such as instruction in the use of needling techniques, moxibustion and electroacupuncture, including precautions such as sterilization of needles, contraindications and complications.

13:35-9.17 Continuing professional education requirements

(a) The provisions of this section shall apply to all acupuncturists applying for biennial certificate renewal except those seeking renewal for the first time.

(b) No certificate renewal shall be issued by the Board unless the acupuncturist confirms on his or her renewal application that during the biennial period preceding application for renewal the acupuncturist participated in courses or activities of continuing education of the type and number of credits specified in this section. Evidence of 20 documented hours of continuing education is a mandatory requirement for certificate renewal, except for initial renewal.

1. "Documented" means that the applicant obtains:

- i. A certificate of participation;
- ii. A signed document by the instructor indicating attendance; or
- iii. An official transcript from an accredited local, state or national organization or learning institution, as set forth in (d) below.

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2. A certificate holder shall obtain and maintain, for a period of three years, documentation on his or her completion of the required continuing education courses.

Such documentation shall be submitted to the Board upon request, and will be surveyed from time to time.

(c) Credit for continuing professional education shall be granted as follows for each two-year period:

1. Publication in a national professional journal of an article on acupuncture: three hours per article to a maximum of six hours;

2. Attendance at seminars and conferences: one hour per contact hour;

3. Successful completion of graduate course work taken beyond that required for professional certificate; one hour per credit hour; and

4. Teaching courses or seminars related to the practice of acupuncture: one hour per contact hour to a maximum of six hours.

(d) Acceptable continuing professional education courses or activities shall be in any subject area which will update and refresh the clinical skills or knowledge of an acupuncturist. However, courses must be accredited by ACAOM, the New Jersey Department of Higher Education, a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation, or the United States Department of Education. Seminars and conferences must be accredited or sponsored by a local, State, or national professional organization; a local, State or Federal education or health agency; or a local, State or national medical, psychological, dental or similar professional organization.

(e) Credits taken in excess of the 20 required for biennial certificate renewal shall not be carried over for use in subsequent renewal periods.

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(f) The Board may, at its discretion, waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military, or other good cause. An acupuncturist who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and such additional information as the Board may request in support of the waiver.